

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby amends Chapter 45, “Boat Motor Regulations,” Iowa Administrative Code.

The adopted amendments replace the use of “no-wake zones” with defined speed restrictions of 5 miles per hour for the listed areas.

Notice of Intended Action was published in the October 6, 2010, Iowa Administrative Bulletin as **ARC 9117B**. A public hearing was held October 28, 2010. Comments received and the Department’s responses are as follows:

There was concern from the public that boat operators who do not have GPS or a tachometer that registers speed under 10 miles per hour would be unable to determine the speed of their boats. A tachometer on a boat uses the same technology as a tachometer in a car, which registers the motor speed immediately. Boats equipped with fish finders have a built-in GPS unit that measures the accurate speed of the boat. The Department expects that this technology will facilitate boat operators’ compliance with the new amendments. In addition, a boat traveling 5 miles per hour or less does not make a wake and therefore does not generate white water behind the boat. The Department feels confident that this visual cue for boat operators will be sufficient to enable their compliance with the amendments.

The Department received comments expressing a preference to change the speed limit in the amendments to 10 miles per hour. At 10 miles per hour, the bow of a boat is up and the stern is down which causes water to be forced to the bottom of the artificial marsh or artificial lake causing churning to the bed of the marsh or lake. This fact makes a speed limit of 10 miles per hour undesirable. Also, at a speed of 10 miles per hour, the operator is unable to clearly see if a swimmer or other small vessel is in the path of the boat because of the raised bow.

Due to the perception that there is little or ineffective enforcement of the current rule, several comments suggested leaving the “no-wake” requirement in the rule. The Department finds that the adopted amendments further the Department’s ongoing process of improving boating enforcement efforts on Iowa’s waterways. The intent is to align this chapter with rules found in 571—Chapter 40, Boating Speed and Distance Zoning. Enforcement efforts are challenged by the use of the no-wake requirement instead of a mile-per-hour restriction because under the current rules the wake needs to adversely affect the activities of another boat or the shoreline to be enforceable.

The Department finds that a set mile-per-hour speed limit is an objective criterion that can be enforced instead of the current no-wake requirement, which is subjective. However, changing the speed to not greater than 5 miles per hour does not lessen the boat operator’s responsibility for any damage caused by the operator’s wake.

Comments were also received suggesting that the 10 horsepower limit on Lake Macbride be removed. The law governing Lake Macbride is found in Iowa Code section 462A.31 and cannot be changed by administrative rule.

Two changes were made in Item 1 to conform the spelling of Lake Macbride and motorboats to the spelling used elsewhere in the Commission’s rules. No other changes have been made to the amendments as published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 462A.

These amendments shall become effective May 11, 2011.

The following amendments are adopted.

ITEM 1. Amend subrules 45.4(2) and 45.4(3) as follows:

**45.4(2)** *Horsepower limitation exceptions for artificial lakes of 100 acres or less.* Motors larger than 1½ horsepower may be operated on the following lakes as designated:

Avenue of the Saints Lake, Bremer County—unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour.

Banner Lakes at Summerset State Park, Warren County—~~motor boats~~ motorboats of outboard or inboard/outdrive type and unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour.

Beaver Lake, Dallas County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Beeds Lake, Franklin County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Black Hawk Pits, Sac County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Crawford Creek Recreation Area Lake, Ida County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Deer Creek Lake, Plymouth County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Fogle Lake, Ringgold County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

George Wyth Lake, Black Hawk County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Lake Iowa, Iowa County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Lake of Three Fires, Taylor County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Loch Ayr, Ringgold County—outboard motors not greater than 100 horsepower.

Meadow Lake, Adair County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Otter Creek Lake, Tama County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Silver Lake, Delaware County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Thayer Lake, Union County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Williamson Pond, Lucas County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

**45.4(3)** *Horsepower limitations for artificial lakes of more than 100 acres in size.* On artificial lakes of more than 100 acres, vessels may be operated with unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour except as otherwise permitted by subrule 45.4(2). The following artificial lakes have special horsepower restrictions:

a. Green Valley Lake, Union County—no inboard or racing-type craft are permitted. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour except in designated ski areas as established in 571—36.7(462A).

b. Lake Icaria, Adams County—motorboats of outboard or inboard/outdrive type. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour. Additional speed and distance regulations apply as established in 571—40.20(462A).

c. Lake McBride Macbride, Johnson County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour only from September 8 through May 20 of each year. A motorboat with a power unit exceeding 10 horsepower shall not be permitted the remainder of the year.

d. Three Mile Lake, Union County—motorboats of outboard or inboard/outdrive type with power not to exceed 200 horsepower. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour. Additional speed and distance regulations apply as established in 571—40.44(462A).

ITEM 2. Amend rule 571—45.5(462A), introductory paragraph, as follows:

**571—45.5(462A) Artificial marshes.** A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated on the following listed artificial marshes under the jurisdiction of the department of natural resources at a ~~no-wake~~ speed not greater than 5 miles per hour between January 1 and August 31 and with no speed restrictions between September 1 and December 31.

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